Dev: (1929) Department.

Ms SERIES.

G.O. No. 2182

2182

DATED 7-12-1929

7-12-1929

[Despatch Abstract.]

Legislative Council Question - Forests - grievances - South Kanara - Carrying a bill-hook in Reserved forests - Recorded.

Council Office

S[redacted]ed Question. 25-5-1929

Mr. K. R. Karant.

THE DEVELOPMENT DEPARTMENT

⊘ 135. Will the hon. the Law Member be pleased to state:-

(a) whether it is a fact that no-body can go into a reserved forest with a bill-hook;

(b)if so, how the people can remove green leaves said to be one of the concessions granted to the ryots in South Kanara;

(c) whether it is also a fact that except in certain specified paths a person cannot go anywhere else in the reserved forest; and

(d) if so, how a person can enjoy the so-called concessions?

S.R.

3

Development Dept.

C/13/7 M/13/7 U/13.7.

CRO 1836.D.29

re. question No 135
Mr. K. R. Karent.

Sir,
I have 1836.D.29.1 of 12-7-29
referred to the Ca-
noe Area Reports. I have
not to offer.

To see with case.

(2) A copy of the question
9/7/1929 No. 135 is enclosed
and the CE is requested
to submit a report on
the allegations made

Dpd. by Van ~~Port~~ ~~Messenger~~
13/7
Rec'd. in Dft.
Date 192 .

W. 14/7/29

Council Office,

5

Starred Question. 25-5-1929

Mr. K. R. Karant.

THE DEVELOPMENT DEPARTMENT

* 135. Will the hon. the Law Member be pleased to state:-

(a) whether it is a fact that no-body can go into a reserved forest with a bill-hook;

(b) if so, how the people can remove green leaves said to be one of the concessions granted to the ryots in South Kanara;

(c) whether it is also a fact that except in certain specified paths a person cannot go anywhere else in the reserved forest; and

(d) if so, how a person can enjoy the so-called concessions?

S.R. Whether it is a fact that people in South Kanara rights are prevented from carrying a bill hook into a reserved forest or walking over a reserved forest except through specified paths, even though they go there in the exercise of their legitimate rights to cut manure leaves?

L.Dis.No.5341/29. Office of the Chief Conservator of Forests,
Chepauk,Madras, dated the 27th July,1929.

From

R.D. Richmond, Esq., I.F.S.,
Chief Conservator of Forests,
Chepauk, M a d r a s.

To

The Secretary to Government,
Development Department,
Fort Saint George, M a d r a s.

Sir,

Refce: Government Memo No.1836-1/29-1 dated 12th July, 1929.

Subject: Legislative Council Question- No.138- Mr.K.R.Karant.

(a) No unauthorised person shall enter Reserved Forests with a bill-hook.

(b) Does not arise.

(c) Yes.

(d) The limitation would not apply to privelege holders or other authorised persons engaged in the exercise of a privilege or right.

for Chief Conservator.

29.7

29/7

o/v.29.7

29-7-29

Dev. Officer Dept

G.O. No. 1836-I.P.-29 dt. 30.7.29

Ref. G.O. No. 1836-I.P. dt. 12.7.29. from C.C. re 125 - Forest offences -

The C.C. is requested to expedite the reply to the reference requested above.

Dpd. by Van / ~~Post~~ / ~~Messenger~~
Date 192

To C.C.F.

DP
8/8/29
11/8

Development Deptt.

G.M 1836.I.29-2 dt 8-8-29

D.F.C.E

Ref. his Lr. No 5341/F
27.7.1929. L.C. Question No
138 - Mr. K. R. Karunt

The C.C.E. is requested to report how the Rights of ~~South Kanara~~ Malabar who ~~have~~ the privilege of free removal of manure leaves from Reserved Forests (and who presumably hold ~~have~~ no individual authorisation) can cut and remove manure leaves if the ~~position is as suggested by~~ stated by them in his answer to clause (d) in the reference quoted above. ~~Such persons apparently~~ cannot take a bullock or stray from specified paths in the Reserves. An early reply is requested.

Van
Dept
4/8/29
192

B.C.E.F.

7/8/29

F. 9/8/29

#13

rocdgs.L.Dis.5951/C2/29

Office of the Chief Conservator of Forests,

Chepauk, Madras, dated the 7th August 1929.

Dev L 22242 1 12 Aug 11 Aug

From

R.D. Richmond, Esq., I.F.S.,
Chief Conservator of Forests,
Chepauk, M a d r a s.

To

The Secretary to Government,
Development Department,
Fort St.George, Madras.

Sir,

Subject:-- Legislative Council Question No.135 - Forest Offences - 2

Reference:--Government Memo.No.1836-I/29/dated 30-7-29

--

The reply was despatched to Government on 29-7-29 with this Office L.Dis.No.5341/29 dated 27-7-29.

Submitted for perusal.
2. The reminder was
K.S.8.8.29 served before the receipt of this report. The further report called for is yet to be received.

9.8.29

For Chief Conservator.

12/8/29

14

Office of the Chief Conservator of Forests,

L.Dis.No.6145/29

Chepauk, Madras, dated the 16th August 1929.

From

R.D. Richmond, Esq., I.F.S.,
Chief Conservator of Forests,
Chepauk, M a d r a s.

To

The Secretary to Government,
Development Department,
M a d r a s.

Sir,

Subject:--Legislative Council Question No.138 - Mr.K.R.Karan
Reference:--Government Memo.No.1836-1/29-2 dated 8-8-29.

--

It is not the case that those who are privileged to collect manure leaves from Reserved Forests are prohibited from entering reserves with billhooks or that they are required to adhere to admitted rights of way; [redacted] was stated in this office L.Dis.No.5341/29 dated 27-7-29 that the limitations did not apply to privilege holders.

For Chief Conservator.

16.8.29

Council Office

Starred Question

Mr. K. R. Karanth

Rural Development Deptt. Draft answer

135. Will the Hon'ble the Law Member be pleased to state whether it is a fact that people in South Kanara District are prevented from carrying a bill-hook also not permissible into a reserved forest to stray from specified or trespassing over a reserved patties. Exemptions forest except through However will not apply specified patties, even though to privilege holders they go there in the or other authorised exercise of their legitimate persons engaged in the right to cut manure leaves? exercise of a privilege or right.

answer Van
Dpd. by Post
DRCO Messenger

Date 192

31/7/54

approved by Hon'ble.

(1013) No. 1019 17.10.29

Legislative Council Question No.135*(Starred).

Mr.K.R.Karant.

Will the Hon'ble the Law Member be pleased to state whether it is a fact that people in South Kanara District are prevented from carrying a bill hook into a reserved forest or walking over a reserved forest except through specified paths, even though they go there in the exercis of their legitimate right to cut manure leaves?

Development Department.

A N S W E R.

Unauthorised persons are not allowed to enter reserved forests with bill-hooks. It is also not permissible to ~~xxx~~ stray from specified paths. These limitations however will not apply to privilege holders or other authorised persons engaged in the exercise of a privilege or right.

Fort St.George,
11th October 1929.

S.V.Ramamurty,
Secretary to Govt.

To the Council Office U.O.

(The above answer has been approved by the Hon'ble Diwan Bahadur M.Krishnan Nair Avl.)

o r w a r d e d.

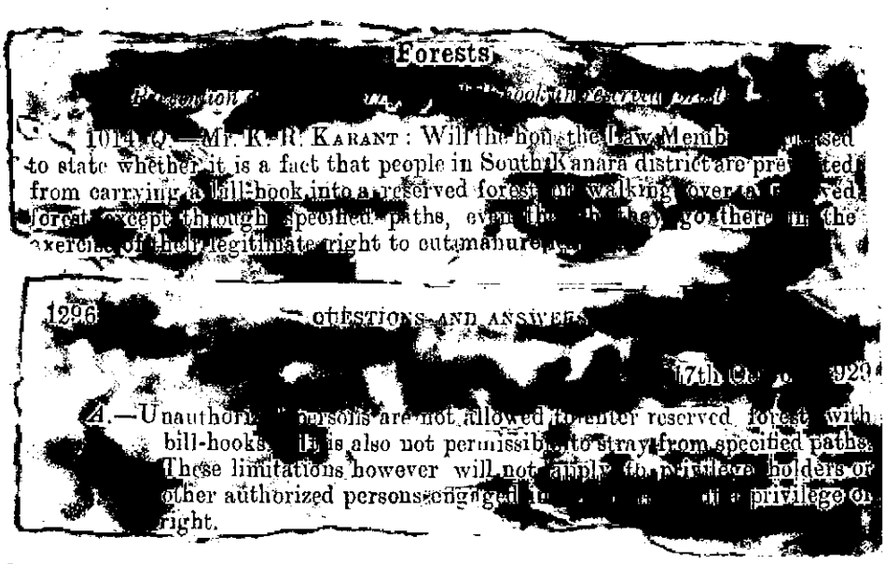
(By Order)

Superintendent.

m.k.r.

E101
13.10.87

E101



Forests.

1014. Q.—Mr. K. R. Karant : Will the hon. the Law Memb[illegible] sed to state whether it is a fact that people in South Kanara district are pre[illegible]ted from carrying a bill-hook into a reserved forest or walking over a [illegible]ved forest except through specified paths, even the[illegible] they go there in the exercise of their legitimate right to cut manure[illegible]

1296 QUESTIONS AND ANSWERS [illegible]7th Ch[illegible] 920

A.—Unauthori[illegible]rsons are not allowed to enter reserved forests with bill-hooks. It is also not permissible to stray from specified paths. These limitations however will not apply to [illegible] holders or other authorized persons engaged [illegible] privilege or right.

Development Deptt.

Re: Question 185 - U.K.R.

Warant — Chettier carrying a Billhook and straying from ~~specified~~ plots are offences

C.P. 1836 D.28.

Notes

Please see the Q-question in the C.F.

Clause (a)

The possession of a bill-hook in itself in a Reserved Forest is not an offence but perhaps everything would depend on the circumstances of the case. The apprehension of a person with previous convictions for Forest offences with a bill-hook naturally leads one to suspect that he was there to commit an offence and any Forest officer or Police officer may perhaps interfere under Sec. 53 of the Forest Act for the purpose of preventing the commission of any Forest offence. Since it is a

Question involving the administration of Forest laws. Remarks may perhaps be obtained.

Clause (c)

Ordinarily it stands to reason and law that any grazing beyond rights of any in the Reserved Forests is trespass. Perhaps Commissioner's remarks may be obtained on this also.

Clauses (b) & (d)

When concessions or rights are allowed it follows that the necessary entry with the necessary weapons will be allowed. Please see the exceptions to Section (a) and (b) to Section 21 of the Forest Act.

A draft [illegible] is submitted for approval.

9/12/1929

Toch

Please see the substituted copy of the question at P.5 C.F. The answer may be modified

accordingly. No other action appears to be necessary.

23/7/29

To us

A draft G.I.T. Reminder is submitted for approval.

Sent for issue 30/7

28/7/29

C.P. 3
C.P. 7

[G.M. 1836-I-29-1 & 12-7-1929 From the C.C. Secretariat No. P.41/29 d 27-7-1929]

To us:

Please see the C.C. Question at P. 5 C.F and the report at P 7 C.F. A draft answer is submitted for approval.

31/7/29

1/8/29 You refer to telegrams. 1. Who are the persons for whom to enter the forest? 2. What is the privilege which persons may have to exercise? 3. To permit retired for retirement leave.

SM 1.8

To U.S.

Secretary's queries on p.3 ante.

Secretary's first query.

Section 21 of the Forest Act lays down the penalty for various acts of trespass in reserve fo forests. Exception to these penalties is made under two heads - vide exceptions (a) and (b) to Section 21. Presumably the authority for entering the reserve forest depends upon the particular purpose (of this, please see also below). It is stated in exception (a) that a D.F.O. or an officer authorized by him can grant permission in writing to enter a reserve forest and do any act. It may be noted that mere trespass into an reserve forest is an offence under clause(d) section 21.

Secretary's query No.2.

The privileges which people may exercise in reserve forests will be by virtue of:-

(1) an admitted right,

(2) contract,

(3) lease or

(4) a permit or license

(1) Admitted rights: are rights claimed and admitted under sections 10 and 11 for:-

(1) occupancy or ownership,

(2) right of way,

(3) right to a water course or to use of water,

(4) right of pasture or

(5) a right to forest produce.

In addition, lessees or contractors may have access into reserve forests for the removal of timber or other forest produce., There are, besides, permit

oval of fuel, bamboos, grass or other minor forest produce, grazing of cattle and licensees for shooting or fishing. People will no doubt be allowed to use a water-course, footpath or road which is admitted as a right of way at the time of settlement - section 11.

Third query of ~~the~~ Secretary.

Ordinarily removal of manure leaf is allowed only on payment of the seigniorage fee; but in South Kanara free removal is allowed as a special concession and under such circumstances presumably no written permit is necessary for exercising the privilege.

Refer to Imp. 1 Fo. 652 25.2.25

M

Ag 28.2.29

8/3/29

S The question relates to forests in S. Kanara where by reserve forest & cart manure leave. They have no individual authorization. The answer means that such persons can not take a lift torch or stray from specified routes. How can they get cart manure leaves?

SM 5/3

To us

A draft G.O. to ~~C~~ C is submitted for approval.

Start for Ooty 8/8/29

7/8/29 8/8

23

From the C.F. Lo's No. 6145/29 d. 16.4.1929.

To us

Please see C.C.F.'s reply. He says that the limitations do not apply to privilege holders.

"...along with the privilege of collecting minor forest produce leaves is extended from time to time vide by notification in the District Gazette and that is presumably an authorisation in writing as required by the Act. Apparently the man who goes there for purposes of minor units be considered a privileged person.

21/8/29

28.9

The answer might be

Answers.

SM
21.8

C 3 How do

A | 1. When a person enters a reserved forest with a bill hook, how is it possible to know whether he is an "authorised" or "unauthorised" person?

How can "privilege holders" or "other authorised persons" be distinguished from persons who have no privilege or authority? Are privilege holders "other authorised persons engaged in the exercise of a privilege or right" furnished with any pass, permit or licence? The

N 24

mere notification in the Gazette, will not enable a forest subordinate (or official) to distinguish between privilege holders & others.

Let me have also a copy of the Act.

23.8.29.

23.8.29.

Rec'd. 26/8.

25/8

To CS

Please see Hume's queries.

A draft letter to CC is submitted for approval.

26/8/29 25/8

C.F. 304 -2,710 Bks.—10-9-28.

OFFICE OF THE

Dated _____ 192

_____ Hours _____ Minutes.

TELEPHONIC MESSAGE

From P. I to C.C.F.

To U. S. Dev.

Ref. your T M d 13.9.29 re: LCQ No

The matter has been referred to Conserv... Forests for a copy of the notification and the ... awaited.

NRR
16/9/29

Pending
[illegible]

To CS

CC may kindly be reminded on 2.10.1929 if necessary.

[illegible] the answer is not received

7/9/29

AS
19/9/29

To CS

Submitted. No. - Vide letter-7 and

If no reply is received in time an extension of time may be asked for

25/9/29

AS
24/9/29

Post copy of telephone message.

From the Chief Conservator of Forests, Madras.

To the Under Secretary to Government, Development Department,

Madras.

Dated 4th October 1929.

Ref:--Your T.M. dated 29-8-29 Legislative Council Question No.138.

---

para 1 of the Telephone Message.

Ordinarily if any person enters a Reserved Forest without a pass he is unauthorised. But in the peculiar circumstances of South Kanara it must be assumed he is authorised if he is within the area defined in the notification.

para 2 of the Telephone Message.

They cannot be distinguished.

para 3 of the Telephone Message.

The privilege holders in concession areas are not furnished with passes. Elsewhere they do have them.

A copy of the notification is enclosed.

5.X.29.

For Chief Conservator.

29

NOTIFICATION.

It is hereby notified for the information of the public that the Chief Conservator of Forests, Madras, in his order Ref.C.No.2917-C-2/29-1, dated 27th May 1929, has extended the following concessions to ryots of the South Kanara district from 1st July 1929 to 31st December 1929 in all the reserved forests of North Mangalore Division (except Pilarkhan, Sablad and Herur reserves).

The concessions are given on the understanding that if they are abused, they will be withdrawn.

Concessions.

(a) Clearing of undergrowth in the reserves (except the coast reserves), to a distance of half a mile from the limits of private ~~buildings~~ holdings.

(b) Clearing of undergrowth in all the coast reserves except Herur (viz., (1) Sarpanamane, (2) Savantagudde, (3) Kadike, (4) Karnigudde, (5) Baindur, (6) Guruvankote, (7) Kursegudde, (8) Hulimishepare, (9) Honnukodlu and (10) Darlegudde) to a distance of 200 yards from the limits of private holdings.

(c) Clearing of undergrowth in all areas sown with Hopea

(d) Free removal of

(1) green manure leaves of unclassified species and dry leaves of all species;

(2) dead fuel.

Note.-(1) These concessions will be limited for the use of produce in the village limits from which the produce is taken

(2) The word "undergrowth" noted above is defined to mean "growth of unclassified species noted above 6 feet in height" and the words dead fuel to mean "parts of dead trees less than 3 inches in diameter."

5/10.

PP 8 & 9 Supra T. M. dt 29.8.?
P. 11 Supra From the C.C Post Offg of
T. M. dt 4.10.29.

To U.S

Please see Hmg's
Queries at PP 6 & 7 Supra
Portion marked 'A'

The C.C's Reply is at P. 11
Supra. He says that though
on a Billboard
ordinarily any entry in a
reserved forest without a pass is
unauthorised, in the peculiar
circumstances of South Kanara
any one who enters the notified
area may be considered to be an
authorised person. Since foresters
and forest guards are the local
subordinates responsible for the
detection of forest offences and
the privileges holders are the
~~persons~~ neighbouring villagers, it
is submitted that in view of the
notification extending certain
privileges in certain areas
there does not appear to be any
possibility of molestation by
the forest subordinates of persons

XX 31

Who go to the forests for the
exercise of their notified privileges.

Portion marked 'B'

Here they cannot be distinguished
~~there are no notices~~ by any permit
~~distinguishing dress~~ by bottle thin of any permit
of the class of guards and Foresters
Subordinates who perhaps in the
ordinary course be expected to know
the neighbouring villagers and to
distinguish between privilege holders
and non-privilege holders if any.

Portion marked 'C'

No passes are given to
privilege holders in Coorg in
areas but elsewhere they are given
passes.

Apparently because they are many.
SKR
Sm

A Copy of the Act is also
submitted.

8/10/29 8/10/29

8/10/29

Sent proceed
10/10

"Any person who
means person of the neighbouring
villages within the particular
portion of the forest in which the
Forest subordinates are
expected to distinguish them
from persons belonging to other
villages

and 10.10.29
RLD 10.10.29

Pleaders
10/10

SKR

C3 Answered approved the SW wrong unsatisfactory
method position as noted 10-10-29.

SKR 10/10

45/32

To U.S

Please see printed proceedings at P. 17 C.F. No Supplementary questions were asked. Under the Secretaries Orders are requested whether the orders of the C.C. need be communicated to the C.C.F and asked to take steps to remedy the position if necessary action for the papers may be recorded.

P. U. Supply

17/11/29

U.U

Fd. No. Mi. 21827 7-12-29
may be recorded

Mr. 2/11/29

Joint Secretary & Secretary Railway Board to write to C.C. Que. 818 Supply

Mr. 16/11/29

Abdul Aziz
Q. from Forest -
Superintendent -
P. Banerjea - carrying
a bill book in Rly
Recorded

C. 16
Please see above